

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
September 28, 2010

3:30 P.M. SCHEDULED SESSION

3:35 P.M. MEETING COMMENCED

ROLL CALL: Joe Brown, William Boyd, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Harold Collins.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor David Coombs from Bellevue Baptist Church. Councilman Boyd presented Pastor Coombs with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF N. THOMAS STREET, 260 FEET NORTH OF STAGE ROAD, CONTAINING 24.4 ACRES IN AN AREA CURRENTLY GOVERNED BY THE CONDITIONS OF THE FRAYSER BUSINESS CENTER PLANNED DEVELOPMENT (P.D. 07-310), PLAT BOOK 245, PAGE 29.**

Case No. PD 10-312

Held until October 26, 2010

(Councilman Flinn made a motion to pull Special Item #2 from the Minutes, without objection)

MINUTES

Approval of the Minutes of the regular meeting of September 14, 2010 with the following motion:

MOTION: Ford
SECOND: Morrison
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Lowery, Morrison,
Ware and Chairman Collins
Halbert and Strickland did not cast a vote

APPROVED, as amended

45. **APPOINTMENT**

DIRECTOR OF GENERAL SERVICES

APPOINTMENT

MARTHA C. LOTT

(Special Item #1 - Chairman Collins made a motion that Ms. Lott has to move into the City within 6 months, after her appointment approval)

MOTION: Collins
SECOND: Ware
AYES: Boyd, Brown, Fullilove, Halbert, Lowery, Ware and Chairman Collins
NAYS: Conrad, Flinn, Hedgepeth, Morrison and Strickland
Ford did not cast a vote

APPROVED

MAIN MOTION: Strickland
SECOND: Ford
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED, as amended

1. **RESOLUTION RECOGNIZING SEPTEMBER 15 – OCTOBER 15, 2010 AS NATIONAL HISPANIC HERITAGE MONTH.**

MOTION: Collins
SECOND: Ford

APPROVED, unanimous voice vote

2. **RESOLUTION RECOGNIZING DOUGLASS ELEMENTARY SCHOOL FOR ITS DESIGNATION AS A BLUE RIBBON SCHOOL.**

MOTION: Ware

SECOND: Fullilove

APPROVED, unanimous voice vote

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF PARK AVENUE AND SOUTH HIGHLAND STREET, CONTAINING 1.96 ACRES IN THE LOCAL COMMERCIAL (C-L), SINGLE FAMILY RESIDENTIAL (R-S6) AND NEIGHBORHOOD COMMERCIAL (C-N) DISTRICTS. THE SUBJECT SITE IS ALSO LOCATED WITHIN THE UNIVERSITY DISTRICT OVERLAY.**

Case No. PD 10-310

Chairman Collins recognized the following person who spoke from the audience:

Ricky E. Wilkins, 66 Monroe Avenue, Memphis, Tennessee 38103

Applicant: Hart-Redd, LLC

SR Consulting, LLC (Cindy Reaves) – Representative

Request: Planned development to permit retail use (CVS) Pharmacy

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

MOTION: Ford

SECOND: Fullilove

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE EAST SIDE OF CLAYBROOK STREET; +/-100 FEET SOUTH OF COURT AVENUE, CONTAINING 0.2296 ACRE IN THE MULTIPLE DWELLING RESIDENTIAL (R-MH) DISTRICT WITHIN THE MEDICAL CENTER OVERLAY DISTRICT.**

Case No. SUP 10-222

Applicant: Friends for Life Corporation

Parker, Estes & Associates, Inc. - Representative

Request: Group Shelter

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND: Fullilove

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED

6. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE WEST SIDE OF BENJESTOWN ROAD, +/-430 FEET SOUTH OF CARROLTON AVENUE, CONTAINING 44.27 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) AND AGRICULTURAL FLOOD PLAIN (AG{FP}) DISTRICTS.**

Case No. UV 10-11cc

Applicant: Emerson Memphis, LLC
Mike Schwartz – Representative

Request: Radio Tower

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND: Morrison

AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins
Flinn recused

APPROVED

7. **ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE, BY ADOPTING THE MIDTOWN DISTRICT OVERLAY AS A ZONING TEXT AMENDMENT, UP FOR T H I R D AND F I N A L READING.**

Case No. ZTA 10-001cc

Ordinance No. 5381

Chairman Collins recognized the following person who spoke from the audience:
Beverly Crockett, 2067 Carr, Memphis, Tennessee 38104

LUCB and OPD recommendation: APPROVAL

MOTION: Ford

SECOND: Fullilove

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED, as amended

8. **ORDINANCE TO ADOPT THE COMPREHENSIVE REZONING, UP FOR T H I R D AND F I N A L READING AS FOLLOWS:**

Case No. Z 10-112
Ordinance No. 5382

Amend the Official Zoning Map by adopting the proposed boundaries for the Midtown District Overlay. The Midtown District Overlay includes proposed Shop front, Pedestrian, Urban or Transitional Frontage Designations for segments of Cooper, Young, Central, Union, Madison and East Parkway

Rezone a segment of Cooper Street and Central Avenue and the northeast corner of Southern Avenue and Cooper Street from the Highway Commercial (C-H) District to the Local Commercial (C-L) District

Rezone the southwest corner of Central Avenue and Cooper Street from the Light Industrial (I-L) District to the Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

MOTION: Ford

SECOND: Morrison

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED

(Special Item#2 - Councilwoman Fullilove made a motion to pull item#9 from the Consent Agenda and place it on the regular agenda, this was seconded by Councilwoman Ware)

CONSENT AGENDA – Items 10 - 12 may be acted upon by one motion: SEE PAGE 1636 FOR ROLL CALL

10. **ORDINANCE TO REPEAL, IN ITS ENTIRETY, PREVIOUS ORDINANCE NO. 4388, CODIFIED AS CITY CODE, CHAPTER 2, DIVISION 5, SECTION 2-325 THRU SECTION 2-331 AND REPLACE WITH THE ATTACHED ORDINANCE INSERTED IN LIEU THEREOF AS A RESULT OF THE FINDINGS OF THE 2010 DISPARITY STUDY AS PERFORMED BY GRIFFIN & STRONG, PC, UP FOR S E C O N D READING.**

Ordinance No. 5384

APPROVED, on Second reading

11. **ORDINANCE REZONING THE SOUTHWEST CORNER OF NORTH DUNLAP STREET AND MOSBY AVENUE, CONTAINING 2.49 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL (R-MM) AND LOCAL COMMERCIAL (C-L) DISTRICTS AND OVERLAY DISTRICTS: WINCHESTER PARK [WP] AND MEDICAL OVERLAY [MO] DISTRICTS, UP FOR S E C O N D READING.**

Case No. Z 10-110
Ordinance No. 5385

APPROVED, on Second reading

12. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. SUP 10-218cc

Public Hearing Set for October 12, 2010

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Halbert
AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Lowery, Strickland, Ware and Chairman Collins
Flinn, Hedgepeth and Morrison did not cast a vote

APPROVED

9. **ORDINANCE TO AMEND CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO THE BUDGET, SALARIES AND CONTRACTS OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO INCREASE THE AMOUNT OF CONTRACTS REQUIRING APPROVAL OF THE CITY COUNCIL TO \$500,000.00, UP FOR S E C O N D READING.**

Ordinance No. 5383

Chairman Collins recognized the following people who spoke from the audience:
Sandra Kinsey, 7613 Dexter Hills, Memphis, Tennessee, 38016
Bill Hawkins, 4000 Clearpool Circle, Memphis, Tennessee, 38118

(Special Item#3 - Councilman Boyd made a motion to change the amount in item#9 from \$500,000.00 to \$50,000.00)

MOTION: Boyd
SECOND: Strickland
AYES: Boyd, Conrad, Flinn, Hedgepeth, Lowery, Morrison and Strickland
NAYS: Brown, Ford, Fullilove, Halbert, Ware and Chairman Collins

APPROVED (the amount in #9 was amended to \$50,000.00)

MAIN MOTION: Fullilove
SECOND: Ware
AYES: Boyd, Conrad, Flinn, Hedgepeth, Morrison, Strickland and Chairman
Collins
NAYS: Brown, Ford, Fullilove, Halbert, Lowery and Ware

APPROVED, as amended

MLGW FISCAL CONSENT – Items 15 - 25 may be acted upon by one motion:

13. **RESOLUTION AWARDED CONTRACT NO. 11406, MANAGED PRESCRIPTION DRUG PROGRAM, TO MEDCO HEALTH IN THE FUNDED AMOUNT OF \$53,869,000.00. (HELD FROM 9/14)**

Sent Back to MLGW

14. **RESOLUTION APPROVING THE AMENDMENT OF CONTRACT NO. 11202, MEDICAL ADMINISTRATIVE SERVICES, WITH UNITED HEALTHCARE, FOR NOT LESS THAN SIX MONTHS AND NO MORE THAN 12 MONTHS, UP TO THE CURRENT RATES, FOR THE PURPOSE OF PUTTING A BLENDED RFP OUT FOR PROPOSAL. THIS AMENDMENT IS IN THE FUNDED AMOUNT OF \$35,824,834.00 WITH NO INCREASE IN RATES, COVERING THE PERIOD JANUARY 1, 2011 THROUGH DECEMBER 31, 2011.**

Held until October 12, 2010

15. **RESOLUTION AWARDED CONTRACT NO. 11448, MEDICAL CLAIMS AND LEGAL SERVICES CONSULTANT/REPORTING, TO GOULD AND LAMB, LLC IN THE FUNDED AMOUNT OF \$45,000.00.**

APPROVED

16. **RESOLUTION AWARDED CONTRACT FOR QUEST TOAD SOFTWARE MAINTENANCE AND SUPPORT TO DLT SOLUTIONS, LLC IN THE AMOUNT OF \$27,272.97.**

APPROVED

17. **RESOLUTION AWARDED CONTRACT FOR YZ ODORIZER TO TRI-STATE METER AND REGULATOR SERVICE IN THE AMOUNT OF \$36,730.00.**

APPROVED

18. **RESOLUTION AWARDED CONTRACT FOR ENERGY CONSERVATION KITS TO AM CONSERVATION GROUP, INC. IN THE AMOUNT OF \$40,782.00.**

APPROVED

19. **RESOLUTION AWARDED CONTRACT FOR TELEPHONE EQUIPMENT TO BLACK BOX NETWORK SERVICES IN THE AMOUNT OF \$67,329.00.**

APPROVED

20. **RESOLUTION AWARDED CONTRACT FOR BLADE SERVERS TO LOGICALIS, INC. IN THE AMOUNT OF \$144,045.11.**

APPROVED

21. **RESOLUTION AWARDED 36-MONTH BLANKET CONTRACT FOR UTILITY BILL ENVELOPES TO MAC PAPERS IN THE AMOUNT OF \$511,107.32.**

APPROVED

22. **RESOLUTION APPROVING PAYMENT OF 2010-2011 ANNUAL MEMBERSHIP DUES TO THE TENNESSEE MUNICIPAL ELECTRIC POWER ASSOCIATION IN THE AMOUNT OF \$25,023.00.**

APPROVED

23. **RESOLUTION APPROVING SELECTION OF SSM PARTNERS IV FUND TO MANAGE UP TO APPROXIMATELY \$15 MILLION FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND.**

APPROVED

24. **RESOLUTION APPROVING SELECTION OF CAPITAL POINT PARTNERS, COURAGE CAPITAL MANAGEMENT AND GOLDEN TREE ASSET MANAGEMENT TO MANAGE APPROXIMATELY \$8 MILLION EACH FOR BENEFIT OF THE MLGW OPEB TRUST FUND.**

APPROVED

25. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 11009, MLGW UTILITY PAYMENT CENTERS, WITH FISERV IN THE FUNDED AMOUNT OF \$231,417.00. (THIS CHANGE EXTENDS THE CURRENT CONTRACT COVERING THE PERIOD OCTOBER 3, 2010 TO OCTOBER 2, 2011 WITH NO INCREASE IN RATES).**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Fullilove
SECOND: Strickland
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

APPROVED

26. **APPOINTMENTS**

HEALTH, EDUCATION AND HOUSING FACILITY BOARD

APPOINTMENTS

CURTIS THOMAS
CAROLYN A. GOODWIN – WILLETT

MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

APPOINTMENTS

ANDRE D. JONES
TIMOTHY D. RAINEY

MOTION: Strickland
SECOND: Ford
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins
Fullilove did not cast a vote

APPROVED

27. **RESOLUTION ESTABLISHING THE MEMPHIS LIGHT GAS AND WATER DIVISION IN LIEU-OF-TAX PAYMENT TO THE CITY OF MEMPHIS FOR FISCAL YEAR 2011. (HELD FROM 6/8; 6/22; 9/14)**

Held until October 12, 2010

28. **ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI, DIVISION 3, OF THE CODE OF ORDINANCES, SO AS TO REDUCE THE NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE COSTS AND ADD NOTIFICATION PROCESS OF ALARM USER OPERATING WITHOUT A PERMIT, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/24; 9/14)**

Ordinance No. 5374

MOTION: Lowery
SECOND: Strickland
AYES: Boyd, Conrad, Flinn, Fullilove, Hedgepeth, Lowery, Morrison, Ware and
Chairman Collins
NAY: Brown
Ford, Halbert and Strickland did not cast a vote

APPROVED

29. **ORDINANCE TO AMEND CHAPTER 5, ANIMALS AND FOWL, SECTION 5-60 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TO REQUIRE DOG RESTRAINTS BY TIE-OUTS OR OVERHEAD CABLES TO BE IN ADDITION TO TRADITIONAL FENCING AND THAT DOGS RESTRAINED BY TIE-OUTS OR OVERHEAD CABLE RUNS BE SPAYED OR NEUTERED, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5378

Chairman Collins recognized the following people who spoke from the audience:

Donna Malone, 3327 Lockmeade, Memphis, Tennessee, 38127
David Nutting, 875 Mockingbird Drive, Brighton, Tennessee, 38011
Sam Jones, 3265 Barron, Memphis, Tennessee, 38111
Teresa Gifford, 3782 Healey Road, Memphis, Tennessee, 38111
Edee Fuller, 163 Harbor Isle Circle North, Memphis, Tennessee, 38103
Chester Burns, 4017 Steele, Memphis, Tennessee, 38127
Beverly King, 4888 Mendenhall Place, Memphis, Tennessee, 38117
Margo M-Hann, 86 Shady Glen Road, Memphis, Tennessee, 38120
Elizabeth Reed, 1840 Overton Park Avenue, Memphis, Tennessee, 38112
Dr. Robert Egerman, Memphis, Tennessee, 38112
Cindy Sanders, 127 N. Rose Road, Memphis, Tennessee, 38117
Dr. Laura Carbone (Telephone number only on card)
Beverly Crockett, 2067 Carr Avenue, Memphis, Tennessee, 38104

(Special Item#4 - Councilwoman Ware made a motion to remove the fencing requirements)

MOTION: Ware
SECOND: Fullilove
AYES: Ford, Fullilove, Halbert, Morrison, Strickland, Ware and Chairman Collins
NAYS: Boyd, Conrad, Flinn, Hedgepeth and Lowery
Brown did not cast a vote

APPROVED

(Councilman Conrad made a motion stating that in addition to traditional and invisible fencing, the Director of Animal Shelter can require fencing. This motion died due to the lack of a second).

MAIN MOTION: Ware
SECOND: Flinn
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Lowery, Morrison, Strickland and Ware
NAY: Chairman Collins

APPROVED, as amended

30. **ORDINANCE TO AMEND CHAPTER 5, ANIMALS AND FOWL, ARTICLE III.5, DANGEROUS/VICIOUS ANIMALS, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TO REQUIRE STERILIZATION OF DOGS WHO HAVE BITTEN AND DECLARE VICIOUS DOGS WHO HAVE BITTEN ONCE AND BEEN FOUND RUNNING AT LARGE TWICE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5379

MOTION: Ware
SECOND: Flinn
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison,
Strickland, Ware and Chairman Collins
Hedgepeth did not cast a vote

APPROVED

31. **ORDINANCE TO AMEND CHAPTER 5, ANIMALS AND FOWL, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TO REQUIRE MANDATORY SPAYING AND NEUTERING OF CATS AND DOGS WEIGHING THIRTY POUNDS OR MORE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5380

Chairman Collins recognized the following people who spoke from the audience:

Marion Chiozza, 541 Waring Road, Memphis, Tennessee, 38122
Laura & Lucas Hoge, 635 Durett Drive, 37211 (City and State not listed on card)
Julia Eason, 591 South Holmes, Memphis, Tennessee, 38111
Diane McManus, 1250 Eldor Road, Memphis, Tennessee, 38138
Allen Iskiwitz, 5676 Vantage Point, Memphis, Tennessee, 38120

(Special Item #5 - Councilwoman Halbert made a motion that all cats and dogs, regardless of weight, should be spayed and neutered).

MOTION: Halbert
SECOND: Morrison
AYES: Brown, Ford, Fullilove, Halbert, Lowery, Morrison, Ware and Chairman Collins
NAYS: Boyd, Conrad, Flinn and Strickland
Hedgepeth did not cast a vote

APPROVED

MAIN MOTION: Ware
SECOND: Flinn
AYES: Brown, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland,
Ware and Chairman Collins
NAYS: Boyd and Conrad
Hedgepeth did not cast a vote

APPROVED, as amended

(The meeting recessed from 8:15 p.m. to 8:25 p.m.)

32. **RESOLUTION AMENDING THE FY2011 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$85,870.00 IN G.O. BONDS – GENERAL IN TRAFFIC CALMING DEVICES, PROJECT NUMBER EN01007, TO SPEED HUMPS INSTALLATION – GROUP 6, PROJECT NUMBER EN01030 FOR THE PURPOSE OF INSTALLING SPEED HUMPS IN VARIOUS LOCATIONS IN THE CITY. RESOLUTION ALSO APPROPRIATES \$85,870.00 FUNDED BY G.O. BONDS – GENERAL FOR SPEED HUMP INSTALLATION – GROUP 6, PROJECT NUMBER EN01030 FOR A CONSTRUCTION CONTRACT WITH APAC TENN.**

City Engineer recommends approval

MOTION: Strickland
SECOND: Ford
AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Strickland, Ware and Chairman Collins
Flinn, Hedgepeth, Lowery and Morrison did not cast a vote

APPROVED

33. **RESOLUTION AMENDING THE FY2011 CAPITAL IMPROVEMENT BUDGET BY ESTABLISHING AN ALLOCATION IN THE AMOUNT OF \$80,000.00 FOR MEDICAL CTR STREETScape, PROJECT NUMBER EN01026.**

City Engineer recommends approval

MOTION: Strickland
SECOND: Ford
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Ware and Chairman Collins
Hedgepeth, Lowery, Morrison and Strickland did not cast a vote

APPROVED

34. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$56,591.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE CAREER CENTER RESOURCE SHARE GRANT. RESOLUTION ALSO AMENDS THE FY2011 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Conrad

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Strickland, Ware and Chairman Collins

Hedgepeth and Morrison did not cast a vote

APPROVED

35. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$163,954.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE CAREER CENTER RESOURCE SHARE GRANT. RESOLUTION ALSO AMENDS THE FY2011 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Conrad

SECOND: Strickland

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Strickland, Ware and Chairman Collins

Hedgepeth and Morrison did not cast a vote

APPROVED

(Councilwoman Ware made a motion to add item #46 to the Agenda)

46. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$98,201.00 FROM THE STATE OF TENNESSEE, DEPARTMENT OF STATE, TENNESSEE STATE LIBRARY AND ARCHIVES TO BE USED FOR THE PURCHASE OF LIBRARY BOOKS AND MATERIALS.**

MOTION: Ware

SECOND: Ford

AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland, Ware and Chairman Collins

Conrad, Hedgepeth and Lowery did not cast a vote

APPROVED

36. **RESOLUTION AMENDING THE FY2011 OPERATING BUDGET TO RE-INSTATE THE PRIOR YEAR FUNDING LEVEL OF THE TUITION REIMBURSEMENT PROGRAM BY TRANSFERRING AN ALLOCATION AND APPROPRIATION OF \$902,211.00 ACROSS THE HUMAN RESOURCES DIVISION LEGAL LEVELS AND OPERATING CATEGORIES. (HELD FROM 8/24; 9/14)**

Held until October 12, 2010

37. **RESOLUTION IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING BETWEEN THE INFORMATION SERVICES DIVISION OF THE CITY OF MEMPHIS AND THE MILLINGTON POLICE DEPARTMENT. THE MILLINGTON POLICE DEPARTMENT WILL PAY THE CITY OF MEMPHIS INFORMATION SERVICES DIVISION \$34,020.00 ANNUALLY FOR SUPPORT OF 81 RADIO IDENTIFIERS.**

MOTION: Conrad

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Strickland, Ware and Chairman Collins
Hedgepeth and Morrison did not cast a vote

APPROVED

38. **RESOLUTION APPROVING ACTUARIAL FUNDING TO THE RETIREMENT AND PENSION SYSTEM IN THE AMOUNT OF \$27,381,023.00 FOR THE 2010 PLAN YEAR.**

MOTION: Fullilove

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Lowery, Ware and Chairman Collins
Fullilove, Hedgepeth, Morrison and Strickland did not cast a vote

APPROVED

39. **RESOLUTION APPROVING FUNDING TO THE OPEB TRUST FUND IN THE AMOUNT OF \$18,754,059.43 FOR THE 2010 FUNDING REQUIREMENT.**

MOTION: Fullilove

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Strickland, Ware and Chairman Collins
Hedgepeth and Morrison did not cast a vote

APPROVED

40. **RESOLUTION APPROVING THE DIVISION OF PARK SERVICES TO USE \$510,844.00 OF THE TOTAL APPROPRIATION IN CONTRACT CONSTRUCTION IN “PARKWAYS MAINTENANCE/RENOVATIONS”, CIP PROJECT NUMBER PK12001 FUNDED BY G.O. BONDS GENERAL FOR THE CONSTRUCTION OF THE PROJECT.**

MOTION: Boyd

SECOND: Fullilove

AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman Collins

Flinn and Hedgepeth did not cast a vote

APPROVED

41. **RESOLUTION REQUESTING CITY COUNCIL APPROVAL TO ALLOW THE UNIVERSITY OF TENNESSEE TO MAKE SITE IMPROVEMENTS AND REPLACE THE EXISTING CONCRETE PAVILION LOCATED WITHIN FORREST PARK AS PART OF THE MAINTENANCE AGREEMENT BETWEEN THE UNIVERSITY OF TENNESSEE AND THE CITY OF MEMPHIS THROUGH ITS PARK SERVICES DIVISION THAT WAS APPROVED ON AUGUST 19, 2008.**

MOTION: Boyd

SECOND: Ford

AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman Collins

Flinn and Hedgepeth did not cast a vote

APPROVED

42. **RESOLUTION REQUESTING APPROVAL TO TRANSFER AN ALLOCATION OF \$100,000.00 FROM ARCHITECT/ENGINEERING TO CONSTRUCTION IN CIP PROJECT NUMBER PK07089, CHARJEAN PARK IMPROVEMENTS, FUNDED BY G.O. BONDS GENERAL AND CHARGEABLE TO THE FISCAL YEAR 2011 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Boyd

SECOND: Morrison

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman Collins

Hedgepeth did not cast a vote

APPROVED

43. **RESOLUTION REQUESTING APPROVAL FOR CONTINUATION OF PLANS AND SPECIFICATIONS FOR THE TAKING OF BIDS AT AN ESTIMATED CONSTRUCTION COST OF \$730,000.00 FOR BALLFIELD RENOVATIONS AT MAY PARK.**

The Council of the City of Memphis did include May Park Renovation, located at 6415 Quince Road, CIP Project Number PK05001 as part of the Fiscal Year 2011 Capital Improvement Budget. Resolution states the Administration is required to present a preliminary design to the appropriate Council Committee.

MOTION: Boyd
SECOND: Conrad
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Lowery, Morrison, Strickland, Ware and Chairman Collins
Halbert and Hedgepeth did not cast a vote

APPROVED

44. **RESOLUTION AMENDING THE FY2011 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$9,375,000.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) FROM DRAINAGE – ST, PROJECT NUMBER ST03006 TO BRIDGE REPAIR STORM WATER, PROJECT NUMBER ST03083, FOR THE REHABILITATION AND REPLACEMENT OF BRIDGES TO ENHANCE STORM WATER FLOW, RIP-RAP STABILIZATION AND SCOUR PROTECTION.**

MOTION: Strickland
SECOND: Ford
AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Lowery, Morrison, Ware and Chairman Collins
Flinn, Hedgepeth and Strickland did not cast a vote

APPROVED

(Councilman Flinn pulled Special #2 from the Minutes of 09/14/2010 Meeting and offered a Substitute Resolution).

MOTION: Flinn
SECOND: Boyd
AYES: Boyd, Brown, Conrad, Flinn, Fullilove, Lowery, Morrison, Strickland and Chairman Collins
NAYS: Halbert and Ware
Ford recused
Hedgepeth did not cast a vote

APPROVED (Substitute Resolution for MCS Budget)

(Special Item#6 – Councilwoman Fullilove mad a motion to approve the Minutes for items #15, #23, #24, #25, #33, #45 & #46 from tonight’s meeting).

MOTION: Fullilove
SECOND: Strickland
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison,
Strickland, Ware and Chairman Collins
Hedgepeth did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

ADJOURNED MEETING AT 9:05 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records